

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONTEREY BAY MILITARY HOUSING, LLC, et al.,

Plaintiffs,

-v-

AMBAC ASSURANCE CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.: 19 Civ. 9193 (PGG) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Pursuant to the discovery conference held today, December 19, 2022 (the “Conference”), the Court orders as follows:

1. Plaintiffs shall **promptly** advise the Court of the identity of “CoreImpact” and its relationship to Plaintiffs.
2. Plaintiffs shall undertake to determine whether the document productions in D’Antonio v. Monterey Bay Military Housing, Case No. 21 Civ. 2607 (N. D. Cal.) and Addi v. Corvias, Case No. 19 Civ. 3253 (D. Md.) included any summary documents concerning (i) the conditions and (ii) maintenance of the Monterey and Meade Projects. Plaintiffs shall promptly advise Defendants if such summary documents exist and when such documents will be produced.
3. By **Friday, December 23, 2022**, the U.S. Department of the Army (the “Army”) and the U.S. Department of the Air Force (the “Air Force”) shall file a letter advising the Court of (i) the status of the Army’s productions, and (ii) the status of the Air Force’s reasonable search of responsive documents to the Touhy request.
 - a. The Army, Air Force, and Defendant Ambac Assurance Corporation (“Ambac”) shall meet and confer to determine the Federal Rule of Civil Procedure 30(b)(6)

topics to be addressed to the Army, in lieu of a deposition of General Edward M. Daly.

4. Malvern Capital Partners, LLC (“Malvern”) shall undertake a reasonable search in response to the subpoena from Ambac for (i) communications concerning Ambac, the Jefferies Defendants, Defendant Dan Ray, Capmark, and GMAC, and (ii) contracts between Malvern and the Developers. Ambac shall provide to Malvern a proposed list of search terms. By **Wednesday, December 28, 2022**, Malvern shall file a letter to the Court advising the Court of the status of the search.

- a. Ambac is directed to serve a copy of this Order on Malvern and file proof of service by **Tuesday, December 20, 2022**.

5. By **Friday, January 6, 2023**, Plaintiffs shall produce to Defendants a spreadsheet identifying for all 19 non-MHPI projects:

- a. the names of each Project;
 - b. the respective dates of each Project; and
 - c. each Project’s interest rate.

6. By **Friday, January 6, 2023**, Plaintiffs and the Jefferies Defendants shall meet and confer to resolve the outstanding Rule 30(b)(6) topics to the Jefferies Defendants. To the extent that any Rule 30(b)(6) topics remain in dispute, by January 6, 2023, the parties may file a joint letter by then providing to the Court a list of the topics and, if any, the parties’ competing proposals for those that remain in dispute.
7. Plaintiffs’ motion for reconsideration (ECF No. 529) is DENIED, and the Court shall issue a written opinion and order forthwith.

8. To the extent Ambac's pre-conference letter requests leave to file a motion, pursuant to Federal Rule of Civil Procedure 37(c)(1), concerning Plaintiffs' "new categories of damages" (the "Damages Motion") (ECF No. 568), the request is DENIED WITHOUT PREJUDICE. Ambac may renew its request to file the Damages Motion following the close of fact discovery.
9. The deadline for the parties to serve contention interrogatories is EXTENDED to **Monday, January 23, 2023.**
10. The parties shall order a Transcript of the Conference and file it on the docket.
11. The Clerk of Court is respectfully directed to close ECF Nos. 529 and 559.

Dated: New York, New York
December 19, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge